

CERTIFICATE OF SERVICE

I hereby certify that I have this 26th day of March, 1992, serviced all parties to this action with a copy of the foregoing REPLY TO OPPOSITION TO PETITION FOR EXPEDITED DECLARATORY RULING by placing a true and correct copy of same in the United States mail, postage prepaid, addressed to:

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Dow, Lohnes & Albertson  
1255 23rd Street  
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Steven M. Hoffer  
Donald J. Elardo  
MCI Telecommunications Corporation  
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Washington, D.C. 20006

  
Gaye Fidelibus  
Gaye Fidelibus

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE  
SECRETARY

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of

BellSouth's Petition for  
Expedited Declaratory Ruling  
on Use of "N11" Codes for  
Provision of Local  
Information Services



PETITION FOR EXPEDITED DECLARATORY RULING

BellSouth Corporation, on behalf of its telephone operating company, BellSouth Telecommunications, Inc. (d/b/a Southern Bell Telephone and Telegraph Company and South Central Bell Telephone Company, hereinafter "BellSouth"), hereby requests pursuant to Section 1.2 of the Commission's rules,<sup>1</sup> a declaratory ruling.

In particular, BellSouth asks the Commission to declare that the use, allocation and assignment of a limited number of "N11" codes<sup>2</sup> for accessing local pay-per-call type information services via local exchange service arrangements that include network-based rating, recording and billing capabilities, are consistent with the Communications Act and

<sup>1</sup> 47 C.F.R. Section 1.2.

<sup>2</sup> Specifically, "N11" codes 211, 311, 511, and 711. Under the North American Numbering Plan (NANP), an "N11 code" is a three-digit dialing code where "N" represents any digit from 2-9. A few examples of some of the more commonly used codes in this format include the "911" and "411" codes used for accessing local exchange emergency services and local exchange directory assistance, respectively.

the Commission's policies to the extent that the Commission has jurisdiction over such issues.<sup>3</sup>

Specifically, BellSouth asks the Commission to confirm that the following actions are consistent with the Federal Communications Act and the Commission's policies:

- 1) the use of "N11" codes for the purpose described herein;
- 2) limiting the number of three-digit NANP code assignments available for this purpose to four codes (i.e., 211, 311, 511, and 711); and
- 3) the proposed method for allocating the limited number of "N11" dialing codes available for assignment.

BellSouth further requests that the Commission specify what other allocation schemes, if any, would satisfy the requirements of the Communications Act; and whether Cox Enterprises, Inc. ("Cox") should receive one of the "N11" dialing arrangements in the Atlanta, Georgia local calling

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<sup>3</sup> The Commission has determined that it has plenary jurisdiction over the allocation and assignment of dialing codes under the NANP. In The Matter Of The Need To Promote Competition And Efficient Use Of Spectrum For Radio Common Carrier Services, Report No. CL-379, 2 FCC Rcd 2910, para. 19 (1987). The purpose of this petition is to eliminate any uncertainty as to the legal, regulatory and public policy issues that come under this jurisdictional authority. BellSouth is not asking the Commission to rule on those aspects of the proposal that are beyond its jurisdiction, such as the specific terms and conditions that may be contained in the applicable state tariffs, except to the extent that those terms relate specifically to the assignment, allocation or possible recall of the "N11" codes under the NANP.

area for having been the original requestor and advocate of this dialing arrangement.

A favorable ruling would allow BellSouth to move forward with filing of state tariffs necessary to support the deployment of these service arrangements in the manner more specifically described in a letter to Cox Newspapers, dated March 4, 1992, a copy of which is attached hereto as EXHIBIT A.

#### STATEMENT OF BACKGROUND FACTS

By letter dated August 30, 1991, BellSouth received a request from Cox for a three-digit dialing arrangement, with network-based recording, rating and billing capabilities, to be used in offering various pay-per-call information services to the general public in the Atlanta, Georgia local calling area. A copy of the August 30, 1991, letter is attached to this petition as EXHIBIT B.

After a number of meetings and discussions, BellSouth agreed to process and Cox agreed to complete and submit a formal written request form for new network capabilities under the Commission's prescribed 120 day ONA review process, as set forth in BellSouth's approved ONA plan, as amended. The formal written request was accepted by

BellSouth on November 8, 1991 as complete for purposes of beginning the 120 day review process.<sup>4</sup>

BellSouth was genuinely interested in fully exploring the feasibility of satisfying the request and, if reasonably possible, in meeting this potential market need. Since this was clearly a request from an enhanced service provider for new network capabilities to be used in delivering enhanced services,<sup>5</sup> BellSouth decided to process the request under the 120 day review process. As a result of that review, BellSouth provided Cox with the written response which is attached to this petition as EXHIBIT A.

In the attached response (EXHIBIT A), BellSouth indicates its willingness to provide the requested network capabilities via local state tariff filings and local "N11" dialing arrangements in accordance with the terms set forth therein, subject to a favorable declaratory ruling from this Commission on certain public policy and regulatory issues falling within its jurisdiction and raised by the request.

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<sup>4</sup> BellSouth processed the request under its 120 day ONA review process, notwithstanding the Commission's ruling that billing and collection services are not required to be provided as ONA services. In the Matter of Filing and Review of Open Network Architecture Plans, CC Docket No. 88-2, Phase I, 5 FCC Rcd 3103, para. 34, n.83 (1990), pts. for rev. pending, California v. FCC, (9th Cir. No. 90-70336, filed July 5, 1990).

<sup>5</sup> As information, billing and collection services for intrastate services of the type described in Cox's request are provided as regulated tariffed offerings in all of BellSouth's local telephone service areas.

BellSouth has filed this petition to resolve those issues so that it can implement the proposal.

ARGUMENT AND STATEMENT OF RELEVANT LEGAL AUTHORITIES

The essence of the proposed service application is to provide an abbreviated dialing arrangement that will be easy for customers to remember and use in accessing local information services. BellSouth believes that the proposed use of the four "N11" codes, as outlined in the petition, meets that market need.

The availability of three-digit numbers for this purpose should facilitate the introduction and availability of local information services by making it easier for customers to remember and access those services. The availability of these arrangements may be useful in promoting information services through media advertising directed at end user customers. BellSouth believes that use of three-digit dialing codes for this purpose could have a significant impact on spurring the development, introduction and availability of information services to the local calling public.

The Commission has previously determined that a deviation from the long-standing industry practice of assigning NXX codes only to local exchange carriers or similarly situated entities, such as radio common carriers, would be consistent with the requirements of the

Communications Act where the recipient can adequately demonstrate a specific bona fide need for such assignment.<sup>6</sup> BellSouth contends that by applying that standard to this case, the particular facts and circumstances set forth in the petition establish a specific bona fide need for abbreviated dialing to meet the legitimate market needs of local information service providers. As explained above, the very essence of the proposed service arrangement is the use, assignment and availability of an abbreviated (i.e., three-digit) access code.

Under current NANP industry guidelines, the four "N11" codes in issue have not been assigned for any particular use by local exchange companies. Therefore, BellSouth contends that these codes are available for the proposed use, subject to the condition that the use of such codes can be discontinued on short notice should they be needed for relieving NPA exhaust prior to industry implementation of interchangeable NPA codes in 1995, or possible use as additional Service Access Codes (e.g., 700, 800 and 900) following 1995. (See, letter from NANP Administrator, attached to EXHIBIT A). Inasmuch as the proposed assignment and allocation scheme would require the return, upon six

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<sup>6</sup> In the Matter of Request for Declaratory Ruling Regarding the Refusal of ALASCOM, Inc., To Assign NXX Codes To General Communications, Inc. File No. ENF.-87-12, Memorandum Opinion and Order, 3 FCC Rcd 700, 709 (1988). (Alascom case).

months notice, of any assigned "N11" code for either of these purposes, the proposed use as outlined in the petition provides a reasonable method of satisfying this particular public policy concern.

Since the proposal involves the use of only four "N11" codes subject to recall if needed to relieve an NPA code shortage, the exhaust of NANP resources and the industry's planned date for implementing interchangeable NPAs should not be materially effected. Thus, BellSouth believes that their specific proposal presents no material detriment to the public interest.

The Commission should also clarify that the failure to expand the proposed offering to include additional NXX codes, codes which are currently threatened by exhaust and being used for more traditional local exchange and radio common carrier type service applications, is not a violation of the Communications Act or the Commission's policies. BellSouth does not intend to go forward with this service proposal if it would materially jeopardize the public interest by accelerating the exhaust of NXX codes or advancing the industry date for implementing interchangeable NPAs.

The proposed method of allocation and assignment of the subject codes described in EXHIBIT A is consistent with the Communications Act and the Commission's policies. The



standard for judging the legality under the Communications Act of the allocation of limited common carrier facilities is well established. The law on this point was summarized by the FCC in a case involving RCA's lease on a common carrier basis of limited satellite transponder capacity:

The Communications Act is silent on the specific point of how carriers may allocate their facilities when, as here, requests for service exceed available capacity. The Act merely requires that such an allocation plan, as with other practices, be reasonable under Sections 201(b) and 202(a). In the past we have accorded communications common carriers considerable latitude when confronted by a serious facility shortfall. See Metrock Corporation, 73 FCC 2d 802 (1979) ("first come, first served" method of allocating MDS service by a carrier not found unreasonable); MCI Telecommunications Corporation, 81 FCC 2d 568 affirmed, MCI Telecommunications Corporation, 81 FCC 2d 568 (1980) (carrier initiated tariff provision limiting the number of authorization codes available to each subscriber not found unreasonable). In the case of RCA American, we have found that this carrier's previous allocation schemes did not raise questions of reasonableness under the Act. Spanish International Network v. RCA American Communications, Inc., 78 FCC 2d 1451 (1980) (first-come, first-served); RCA American Communications, Inc., 79 FCC 2d 331 (1980) (lottery).

Based upon the above authority, BellSouth believes that the proposed allocation and assignment procedures are reasonable under the Communications Act. Under the proposal, "N11" dialing arrangements would be allocated and assigned in the following manner:

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<sup>7</sup> In the Matter of RCA American Communications, Inc. Tariffs FCC Nos. 1 and 2, 84 FCC 2d 781, 786, para. 12 (1981).

1. Service orders would be accepted for 90 days after service has been publicly announced via approved state tariffs for a particular local calling area.
2. Assignment of "N11" codes would be limited to one code per entity, including subsidiaries and affiliates, per local calling area.
3. The assignment of facilities will be on a non-discriminatory, first-come, first-served basis, unless the number of orders received exceeds available serving arrangements. In the latter case, all four dialing arrangements would be allocated on a lottery or some other basis as determined by the Commission.
4. Customers receiving "N11" dialing arrangements will be required to migrate upon six months notice to any standard abbreviated access arrangement for information services (e.g., "\*NXX" or "NNX#") subsequently agreed to by the industry and approved by this Commission.

BellSouth requests that the Commission confirm that this approach satisfies the requirements of the Act, as well as clarify what alternatives, if any, are available under the Communications Act for assigning and allocating these limited resources.

Finally, BellSouth requests that the Commission clarify whether Cox should be granted use of one of the Atlanta "N11" codes for having originated this particular service request and having developed the service concept set forth herein.

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<sup>5</sup> See, EXHIBIT A, p. 3. BellSouth urges the Commission to facilitate reaching industry consensus on such a standard by specifically designating the industry forum(s) that should address this issue.

**CONCLUSION**

For the above reasons, BellSouth requests a declaratory ruling stating that the "N11" service proposal described more fully herein does not violate the Communications Act, and is consistent with the Commission's policies to the extent that the Commission has jurisdiction over these issues.

In view of the desire to move forward with the proposed service as rapidly as possible to meet the currently unsatisfied market demand for such services, BellSouth asks the Commission to consider this matter on an expedited basis.

Respectfully submitted,

BELLSOUTH CORPORATION and  
BELLSOUTH TELECOMMUNICATIONS, INC.

By: Thompson Rawls  
William S. Barfield  
Thompson T. Rawls II

1155 Peachtree Street, N.E.  
Suite 1800  
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(404) 249-2706

Date: March 6, 1992

EXHIBIT A



**BellSouth Services**

Robert L. Capell, III

Southern Bell Center, Room 4428  
675 West Peachtree Street, N.E.  
Atlanta, Georgia 30375  
404 420-8480

March 4, 1992

Mr. James T. McKnight  
Vice President of Telecommunications  
Cox Newspapers  
P.O. Box 105720  
Atlanta, Georgia 30348

RE: Request For Three-Digit Local Dialing Arrangement  
With Telco Rating, Recording and Billing; ESP  
Request No. 91-003

Dear Mr. McKnight:

We have completed the review of your request for a three-digit dialing arrangement for use in the provision of your "electronic classifieds" service in the Atlanta, Georgia local calling area. Based upon our review, Southern Bell is prepared to offer the service you requested in accordance with the terms set forth in this written response, subject to a favorable ruling by the FCC on certain issues for reasons explained more fully below in Section E of this response.

As you know, we accepted your request for processing under our formalized 120 day ONA review process for new network capabilities. Pursuant to that process, we are providing you with this written response within 120 days of receipt of a completed written request (No. 91-003), which in your case, would be no later than March 6, 1992.

According to FCC requirements, our written response should indicate, to the extent possible, whether we will provide the requested capability, and if so, when the requested capability will be made available, an estimate of how much we will charge for the service if actual demand meets estimates provided by you, and what if any technical problems are anticipated. The answers to these questions and our action plan for dealing with certain related public policy issues are set forth below:

**A. Description Of Proposed Service Capability**

BellSouth Telecommunications, Inc. (d/b/a Southern Bell and South Central Bell, hereinafter "BST") proposes to satisfy your request with a service designed for you and other enhanced service providers (ESPs) in the following manner:

## **1. General Service Description**

The proposed service is essentially a three-digit pay-per-call local dialing arrangement designed to facilitate the introduction of enhanced services such as your "electronic classifieds" service.

The switches used by Southern Bell will be programmed to translate the "N11" (where "N" represents digits 2-9) dialed call to a seven-digit number and then complete the call to the ESP's premises. Through switch translation changes in the end offices from where local calls are originated, a residence or business customer dialing the assigned "N11" code would be routed to the ESP's service location within the local calling area.

In order to process and rate ESP messages, a new rating and recording capability must be developed. The existing AMA process used by Southern Bell can be modified to process switch recordings and route them to a new rating and recording system. From the new system, the print-ready lines for billing ESP customer messages can be sent to the Billing Interface Gateway service which is already available to telemessaging providers in Southern Bell's service area pursuant to existing local state tariff offerings. That tariff will be amended to allow other ESPs, including pay-per-call service providers such as you, to obtain billing services from Southern Bell.

## **2. Specific Service Requirements and Conditions**

- a. Due to the previous assignment under the North American Numbering Plan (NANP) of certain "N11" codes for other purposes, the proposed offering will be limited to only four "N11" dialing arrangements in each local calling area where the service is available. Specifically, codes 211, 311, 511 and 711 would be made available for assignment in each local calling area in which the service is deployed. Under the NANP, the remaining "N11" codes are currently unavailable in that they have already been assigned for the following uses: the 111 code which you specifically requested is not customer-dialable and has already been assigned for intercarrier routing, 411 has been assigned for accessing basic local exchange directory assistance, 611 has been assigned for accessing local exchange repair service, 811 has been assigned for accessing local exchange business offices and 911 has been assigned for accessing local exchange emergency services. We also have explored the possibility of using a number of other dialing arrangements (e.g., \*XX, "NNX#" and use of SS7 and advanced intelligent network technology) to satisfy your service request. Our analysis indicates that for various technical reasons, "\*XX",

"\*NXX" and using advanced intelligent network technology are at best potentially viable long-term dialing options (i.e., 2 or more years away) for satisfying your request. However, our analysis indicates that using a "NXX#" dialing arrangement to satisfy your request appears technically feasible, could be provided in essentially the same time frame as an "N11" dialing arrangement, and may be more suitable for meeting your needs because it would avoid many of the resource limitations (over 600 NXX# codes are available) and NANP conflicts (not designated as a reserve NPA or SAC code) associated with using "N11" dialing. Its principal drawback is that it is not technically feasible to use this dialing sequence on rotary phones which represent slightly less than 10% of the access lines in the local Atlanta calling area. We will be happy to discuss this option further with you, although we recognize it is not exactly what you requested. The only other reasonably feasible short-term solution which appears available for satisfying your request is a seven (7) digit dialing arrangement which we are also willing to provide.

- b. Under the "N11" dialing option, service orders will be accepted for 90 days after service is publicly announced and tariffs approved for a particular area. Assignment of "N11" service codes will be limited to one code per entity, including subsidiaries and affiliates, per local service area. Due to the limited number of "N11" dialing arrangements that can be made available in each local calling area, the assignment of facilities will be conducted on a first come, first served basis, unless the number of orders received exceeds available serving arrangements. In the latter case, facilities will be assigned on a lottery or some other basis as determined by the FCC (See, Section E). This will ensure that limited facilities are allocated in a fair and nondiscriminatory manner should customer demand in any particular area exceed the number of available service arrangements, which seems quite possible given the limited number of "N11" codes available for assignment.
- c. Customers receiving "N11" dialing arrangements will be required to migrate upon six months notice to any standard abbreviated access arrangement for information services (e.g., "\*NXX" or "NXX#") subsequently agreed to by the industry and approved by the FCC.
- d. To ensure that each "N11" dialing arrangement is used for its intended public purpose once assigned, we will require the customer to begin utilizing the service

arrangement no later than 6 months after approval of a completed service order.

- e. The three-digit access arrangement with network-based rating and recording capabilities will constitute a new network service and require that new state tariffs be developed, filed and approved. The billing capabilities will be provided pursuant to BST's existing state billing tariff for telemessaging providers. As mentioned above, this tariff will have to be modified to allow other ESPs to bill their services on the local telephone company monthly bill and to include certain restrictions normally applicable to pay-per-call services (e.g., a requirement that end user customers be given a general description of the service, the name of the service provider, the cost of the service and a reasonable opportunity to hang up before incurring any charges).
- f. Consistent with current NANP guidelines, the state tariff will contain a stipulation that the continued use of any "N11" dialing arrangement is subject to possible recall of the "N11" code by the NANPA administrator for national use as either an NPA or SAC code for the reasons explained in the attached letter. (See, attached letter of NANP Administrator, dated January 6, 1991). The recipient of each "N11" dialing arrangement will be required to sign a written acknowledgement of this condition and an agreement to return the code upon receipt of 6 months written notice from BST evidencing that the NANP Administrator has recalled the code for such use. If a recall is effected by the NANP Administrator, BST will work diligently with all ESP customers affected by such recall to transfer their service arrangements, if technically and economically feasible at the time, to an abbreviated dialing arrangement, and if not feasible, to a seven-digit dialing arrangement within the 6 month notice period.

**B. Availability Date Of Service**

Per your request, the first "N11" service arrangements will be made available in the Atlanta, Georgia local calling area. As the first such offering, Atlanta will function essentially as a trial offering to determine if the service is in fact economically viable and can be supported by the marketplace. Similar "N11" dialing arrangements will be made available in other local calling areas throughout the BST service areas where market demand supports the economic deployment of such tariffed offerings.

We anticipate that we will be able to file all state tariffs needed to begin providing service in the Atlanta local calling area within two months (60 days) of a favorable ruling by the FCC on the regulatory and public policy issues raised by your request (See, Section E, below). The effective date of such state tariffs would be ninety (90) days following tariff approval.

**C. Estimated Service Charges**

While you did not provide us with additional demand information beyond your own estimated use, we did attempt to develop a general estimate of other customer demand for this service beyond that which you provided. Because we did not have time to conduct formal market demand studies for this service, our demand estimates are necessarily preliminary. However, our initial research indicates that there will be additional demand for this service which would enable us to spread the estimated costs over more customers and thereby reduce the charges for the service. Based upon our analysis and the demand estimates you provided, the estimated charges for this service in the Atlanta, Georgia local calling area would be:

For the basic "N11" dialing arrangement including rating and recording, in one time charges, plus per message based on an assumed average message length of 2 minutes, plus per minute for each message minute in excess of 5 minutes. Charges for using the Billing Interface Gateway would be \$3,000 in one time charges, plus \$.04 per bill line on the end user's bill. Customers will pay the normal tariffed charges for the local exchange access arrangements (e.g., PBX trunks, ESSX lines, etc.) used for transporting and terminating messages at the customer's designated premises.

Also, to ensure recovery of fixed recurring costs and that the limited service arrangements being made available are in fact used for their intended public purpose (i.e., the promotion of local pay-per-call information services) there will be minimum monthly charge of for the Atlanta offering based on an assumed minimum usage volume of messages per month. This charge may vary from local calling area to local calling area, depending on the size and expected demand characteristics of the local market.

**D. Anticipated Technical Problems**

The only technical problems we anticipate at this time in the Atlanta trial concern the present technical inability to rate, record and bill calls originating from public and semi-public pay telephones and calls charged to credit cards. We do not consider these technical limitations to represent a significant factor given the nature of the service.



Furthermore, based upon our technical analysis, we believe ESP customers will have to work separately with cellular companies to ascertain whether cellular customers will be able to reach ESP services by dialing an "N11" code. This is because cellular companies have their own switches and may or may not be using the same dialing code for some other purpose, or alternatively, may not have programmed their switches to route such calls to Southern Bell.

#### **E. Other Public Policy And Regulatory Issues**

As you can see from the attached letter from the NANP Administrator, there are a number of significant public policy issues regarding the use of "N11" codes to satisfy your service request. Nevertheless, BellSouth believes that such use is in the public interest and, although necessarily subject to a number of conditions because of numbering resource limitations and public policy concerns, could meet a legitimate market need that would not otherwise be satisfied.

We believe that it is necessary and appropriate to obtain a ruling from the FCC confirming that the proposed "N11" service arrangement outlined in this response is consistent with the FCC's policies and meets BellSouth's common carrier obligations under the Communications Act. In this regard, we will file with the FCC this Friday, March 6, 1992, a petition for a declaratory ruling asking them to rule on these issues as quickly as possible. We hope that you will support us in this effort.

Such a filing will protect the public interest as well as yours and ours. Inasmuch as the FCC has stated that it has plenary jurisdiction over number assignments, the FCC will quite likely be asked by others in the industry, if not by us, to rule on the public policy and regulatory issues associated with assigning three-digit "N11" dialing arrangements for this purpose. Because the deployment of "N11" dialing arrangements could according to the NANP Administrator (See, attached letter from NANP Administrator) potentially have a significant adverse impact on the public interest, we view an affirmative ruling from the FCC as a necessary condition to making this service available.

While we believe that this service proposal is consistent with FCC policies and the requirements of the Communications Act, we do not believe that it would be appropriate to move forward unilaterally without confirmation or guidance from the FCC on the public policy issues. Such a proceeding has the additional advantage of giving the rest of the industry, including other information service providers, an opportunity to comment on the desirability of using "N11" codes in this manner as balanced against other possible uses.

The filing of a petition will also provide the FCC with an opportunity to consider your request for preferential treatment in the assignment of numbers in the Atlanta area due to your position in having proposed this new use of NANP resources. In our opinion, there may be precedent for the FCC to grant such a request if it determines that your ingenuity and the circumstances in this case justify such a preference. BellSouth, on the other hand, does not believe that it has the legal authority to unilaterally authorize the assignment preference you have requested.

Finally, this approach is consistent with previous public statements of BellSouth regarding NANP changes. While BellSouth supports the application of new, non-traditional uses of NANP resources to meet legitimate market needs when such uses can be satisfied without seriously jeopardizing or advancing the industry's planned date for implementing interchangeable NPA codes, BellSouth believes that such changes should first be approved by the FCC prior to implementation. This will minimize the risk of unintended adverse public consequences that might otherwise occur from such changes.

We hope that you will join us in supporting the petition and in obtaining a favorable ruling from the FCC and from the Georgia PSC on the state tariff filings so that we can proceed with offering this service as soon as possible.

Sincerely,

*Robert L. Capell III*

Robert L. Capell, III

Attachments

Ronald R. Connors

District Manager  
NANP Administration

January 6, 1992

E. W. Stevens  
Operations Manager - Processor Planning  
BellSouth Telecommunications  
Southern Bell Center, Room 23S65  
675 West Peachtree  
Atlanta, GA 30375

Dear Ms. Stevens:

Thank you for providing North American Numbering Plan administration ("NANPA") the opportunity to advise on the feasibility of using N11, 1XX or \*XX codes to satisfy the request that you received for three digit access to a so-called "411 look-alike" service. NANPA reviewed the general topic of three-digit dialing during development of the long term numbering plan that was released last week to the industry for comment and refinement, and we would like to share some of these thoughts with you.<sup>1</sup>

First, assignment of the code "111" as requested by your customer would be inappropriate for technical reasons. As is indicated in *BOC Notes on the LEC Networks - 1990*, codes in the form 0/1XX are used for intercarrier routing purposes. These codes are not customer-dialable. Making them so would require changes in all affected end office switches, and could impair their use for intercarrier routing. The problem is compounded because the prefix "1" already has several interpretations in the dialing plans in use throughout the area served by the North American Numbering Plan. This prefix indicates to a step-by-step switch that the call being dialed is not a local call and must be routed to a tandem for processing. It also indicates, in the thirty Numbering Plan Areas (NPAs) that have installed interchangeable central office codes, that ten additional digits will follow.

Second, while local assignment of other N11 codes is possible, NANPA concludes that such an approach would be undesirable. As indicated in *BOC Notes on the LEC Networks - 1990*, one or more of the unassigned N11 codes (currently, 211, 311, 511 and 711) can be assigned for local use if this use can be discontinued on short notice. There is a real

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<sup>1</sup> We note that your customer's underlying thesis seems to be that if BellSouth is providing directory assistance service using three-digit access, some form of equivalent three-digit access should be made available to the customer for its own directory assistance service. BellSouth will, of course, reach its own conclusions on the validity of this claim. NANPA in its own number administration activities will proceed on the assumption that since the MFI Court and the FCC have, notwithstanding the policy changes of the Modification of Final Judgment and the Computer Inquiries, both permitted traditional directory assistance services to continue to be provided in the historic manner - which includes long-standing 411 access - 411 access to the telephone company's directory assistance service remains permissible.

potential for such discontinuance because of the impending exhaustion of NPAs in the current N0/1X format, prior to the time that interchangeable NPAs (in the NXX format) can be implemented. Use of N00 and N11 codes (which, because they have a 0/1 second digit, may be usable as geographic NPAs) is under consideration by the industry. Your customer would be ill-advised to commit resources, modify facilities, and promote the use of a number for local use that may have to be reclaimed in the near future for national use.<sup>2</sup> Additionally, NANPA's long-term numbering proposal recommends that unassigned and recoverable N11 codes be reserved for future assignment as Service Access Codes (SACs) for ten-digit dialing (with the potential for reaching millions of addresses behind the SAC, rather than one).

Third, as you probably know, the industry has formed a working group under the Industry Carriers Compatibility Forum (ICCF) to examine the use of vertical services codes (such as \*XX). Because few of these codes remain available for assignment, that group is considering conservation and standardization of vertical services codes, and whether their format should be expanded. While a small number of such codes could conceivably be assigned for new uses such as your customer proposes, the potential demand is very high and satisfaction of all requests would rapidly deplete the available codes, especially if such new assignments are not reconciled with conservation and standardization measures that will be applied nationwide. Accordingly, NANPA recommends that you encourage the customer to bring its proposal to the ICCF working group for its consideration.

We are not aware of any other valid three-digit dialing sequences that can be implemented uniformly in current network facilities. It is conceivable that a new one might be introduced, but this would require changes to the entire North American network since end-office switches are currently able to recognize only the special cases mentioned above. It is not clear that older common control switches could be modified at all to accept new three-digit dialing sequences, and replacement could be required. Introducing modifications into the newer electronic switches is generally feasible - if a given switch continues to be supported by software updates - but the process for doing so is lengthy: (1) clear and unambiguous requirements for changes must be developed; (2) vendors must examine the requirements, determine the impact on switch generics and other software and schedule implementation of changes in their software development cycles; (3) scheduling of new changes must be melded with a long backlog of already-scheduled required changes, including important ones such as implementation of interchangeable NPAs and CIC expansion; and (4) the software modifications, when tested and available, must be installed in thousands of switches throughout North America. Overall, this is a multi-year process.

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<sup>2</sup> Also, if BellSouth were to make the requested N11 assignment, based on NANPA's experience with other requests of this nature we conclude that others would in all likelihood immediately seek assignment of the remaining N11 codes. This would make it even more difficult to alleviate NPA exhaust with N11 codes, and potentially raise claims of discrimination among the few who receive the available N11 codes and others who would seek them. It might be noted that in the analogous context of carrier identification codes (CICs), it was decided to pursue the policy of providing the same access to all service providers; and, when it became evident that there would be more than the 100 service providers to be accommodated, CICs were expanded from two to three digits in length. As you know, the 1000 possible three-digit CICs have subsequently proven insufficient.

Our recommendation is that you assign your customer basic seven-digit telephone numbers at this time, and that you encourage the customer to pursue two approaches to seeking industry consensus on alternatives that might be developed and made available in the future. First, as noted there is an ICCF working group considering vertical services codes. The customer can bring to that group its proposal that vertical services codes be assigned to uses such as its proposed directory service. And second, NANPA's long-term numbering proposal is just that: a proposal. It will be the subject of broad discussion by the industry and modification. Your customer should join this discussion.

Sincerely,

A handwritten signature in cursive script, reading "Ronald R. Comm". The signature is written in dark ink and is positioned below the word "Sincerely,".

Director  
North American Numbering Plan Administration

EXHIBIT B

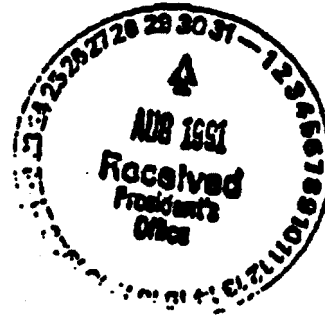
# COX NEWSPAPERS

A DIVISION OF COX ENTERPRISES, INC.

POST OFFICE BOX 18788  
ATLANTA, GEORGIA 30348

JIM McKNIGHT  
VICE PRESIDENT OF TELECOMMUNICATIONS

August 30, 1991



(404) 548-7800

VIA HAND DELIVERY

Mr. B. Franklin Skinner  
President, Chief Executive Officer and Director  
Southern Bell Telephone and Telegraph Company  
Room 4500  
675 W. Peachtree Street, N.E.  
Atlanta, Georgia 30375

Dear Mr. Skinner:

It is no secret that the Regional Bell Companies, including your parent BellSouth, plan to introduce an "electronic yellow pages" service should Judge Greene's July 1991 order be affirmed and the present information services restriction lifted. Cox Enterprises, Inc. is prepared to introduce a similar "electronic classifieds" service now. The service, an interactive information service using live operators at a flat rate per call, will be offered in conjunction with Cox's Atlanta newspapers, The Atlanta Journal and Constitution, through the efforts of Cox's subsidiary Voice Information Services, Inc.

The purpose of this letter is to request the local exchange service elements necessary to permit Cox to immediately place the service in operation. In order for the service to be attractive and convenient to customers and economic for Cox, we require three-digit dialing, so that the number will be as easy to remember as Southern Bell's 411 directory assistance service. We understand that, at present, the three digit combinations 411, 611 and 911 are reserved for directory assistance, repair service and emergency calls, respectively, in Georgia under Southern Bell's implementation of the North American Numbering Plan. We are not aware, however, of any plans to use any of the other "11" combinations at this time, and believe that 111 would be ideal. We, therefore, request that you assign for the service the three-digit code 111.

Similarly, in order for the service to be convenient to customers and economic for Cox, we will also require automatic billing and collection for each call made to the service, preferably on a separate line on the subscriber's monthly bill.

Mr. B. Franklin Skinner  
August 30, 1991  
Page 2

Automatic billing is already provided by Southern Bell for a variety of services, including your present directory assistance service. We, therefore, request automatic billing and collection for the service.

With these network components the service will be of tremendous value and interest to the public. For this reason, we would appreciate your immediate and, we hope, affirmative response and respectfully request that you provide us with it no later than September 13. I have directed this letter to you because we believe that this is a matter that should receive the attention of Southern Bell's chief executive so that we may expedite delivery of the service to the public.

As you noted in your recent MemoryCall petition, one of the foremost policy goals of the Federal Communications Commission is to facilitate the introduction and widespread availability of network-based enhanced services to the public. Our request is in furtherance of that goal.

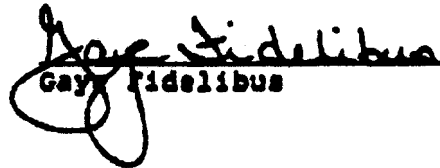
Sincerely,

  
James T. McKnight

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 6th day of March, 1992 serviced all parties to this action with a copy of the foregoing PETITION FOR EXPEDITED DECLARATORY RULING by placing a true and correct copy of same in the United States mail, postage prepaid, addressed to:

Peter Canfield, Esquire  
Dow, Lohnes & Albertson  
One Ravinia Drive  
Suite 1300  
Atlanta, Georgia 30346

  
Gay Fidelibus



## **DIAL 7-1-1 FOR RELAY**

### **FACT SHEET**

- \* 3-digit telephone numbers are a scarce resource, with only six remaining numbers for allocation. The FCC has authority to decide who should receive these numbers.
- \* The FCC has begun a proceeding to consider whether 3-digit telephone numbers should be assigned for commercial use (for example a 3-digit number to order pizzas from a national pizza chain, or to place an order with a mail order company) or whether they should be reserved for important public purposes
- \* A national coalition of consumers, and Bell Atlantic leading a coalition of telephone companies, will be filing comments to promote the public interest, by requesting that at least one of the remaining 3-digit telephone numbers be assigned for nation-wide access to telecommunication relay services
- \* 7-1-1 Relay access promotes an important public purpose because:
  - \* It will establish nationally standardized access to relay services so that whether you live in California, or Illinois, or any other state you, will be able to access that states' relay service by dialing one 3-digit number.
  - \* 3-digit access being easier and quicker, will bring us closer to functionally equivalent telephone service for people who are Deaf, or have hearing or speech disabilities.
- \* We need your support. Comments will be filed with the FCC by July 13, 1992.

To give your support or for more information contact: Karen Pelts-  
Strauss, National Center for Law and the Deaf, (202) 551-5373  
(v/tt), (202) 551-5381 (fax) or Pam Ransom, Issue Dynamics, Inc.  
(202) 498-2007 (tt) or 498-1400(v)  
WE WILL SEND COPIES OF THE COMMENTS TO ALL SUPPORTERS.